

# **EXHIBIT A**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**New York City Commission on Human Rights, New York State Division of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Jennifer Blair**

Home Phone (Incl. Area Code)

**(646)715-9243**

Date of Birth

**06/30/1972**

Street Address

**115-23 Jamaica Ave**

City, State and ZIP Code

**Queens, NY 11418**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**Brooklyn Transportation Corporation**

No. Employees, Members

**15+**

Phone No. (Include Area Code)

**(718) 647- 5100**

Street Address

**3167 Atlantic Avenue**

City, State and ZIP Code

**Brooklyn, NY 11208**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE
 ☐ COLOR
 ☒ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN  
☐ RETALIATION
 ☐ AGE
 ☐ DISABILITY
 ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02/2014****6/4/14**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**STATEMENT OF CLAIM**

I am an employee of Brooklyn Transportation Corporation working as a bus driver. I have worked for the company for nearly eight years and have an excellent driving record. Brooklyn Transportation has discriminated against me because of my sex, specifically because I am a transgender woman. Since February of 2014, I have been subject to adverse terms and conditions of employment which my cisgender (non-transgender) co-workers do not experience. I attempted to resolve this issue internally to no avail.

I was hired by Brooklyn Transportation in 2007 to work as a bus driver. At the time, I went by Jennifer but my legal name was culturally male. In 2009, I had my name legally changed to Jennifer Blair. My commercial driver's license and related paperwork, social security records, and company paperwork were updated with my legal name after obtaining the name change. Unfortunately I was not able to change the gender marker on my drivers' license to female. Brooklyn Transportation is aware that I am a transgender woman because until 2009 I had to use my former name to receive paychecks.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

ELIZABETH U CUKOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

11/12/14

Date

Jennifer Blair

Charging Party Signature

201702284679  
FILED IN KINGS COUNTY

EEOC Form 5 (5/01)

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☐ FEPA☒ EEOC

**New York City Commission on Human Rights, New York State Division of Human Rights**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

(continued from previous page)

A manager, William Lewis, started working at Brooklyn Transportation in Summer of 2013 and has access to employees' personal information via their personnel files. While at work, he would attempt to get my attention. He also made unwanted and inappropriate comments to me based on sex. It made me feel uncomfortable in the workplace.

As a bus operator employed by Brooklyn Transportation I am required to have a yearly physical in order to comply with New York State Department of Transportation and Federal regulations. Drivers who pass the physical get a "white card" stating that they have medical clearance. From when I changed my name until 2014, Brooklyn transportation issued the paperwork I needed to get clearance, in my legal name, Jennifer Blair.

In February of 2014, Brooklyn Transportation issued paperwork, necessary for me to maintain my medical clearance in my former name, which is culturally male. I was shocked and humiliated. I immediately alerted Brooklyn Transportation about the error and asked for new paperwork with my legal name. However, Brooklyn Transportation did not issue paperwork in my correct name, which prevented me from getting a physical.

In June of 2014, I received a notice from the Department of Transportation informing me that my medical certification had lapsed and that I was unable to drive. I immediately went to get a physical. I still did not have necessary paperwork in my legal name from Brooklyn Transportation, however I convinced the Medical Provider to call Brooklyn Transportation to get the information necessary to evaluate me. However, my doctor informed me that the requirements for medical clearance had changed around April of 2014 and that I would have to be evaluated by an endocrinologist also. I made an active effort to contact numerous endocrinologists to schedule an appointment in order to return to work and made the earliest possible appointment—July 29, 2014. I was medically cleared at that appointment but processing the necessary paperwork through state agencies took until on or around October, 2014.

As a result of Brooklyn Transportation's discrimination, I experienced loss of income. Brooklyn transportation suspended me without pay from June, 2014 until October 29, 2014. As a result of their discriminatory actions I could not practice my profession, bus driving, anywhere. I also experienced emotional distress and humiliation. Brooklyn Transportation's deliberate use of my former name led to my co-workers discovering that I am transgender without my consent. I highly value my privacy and try to maintain separation between my professional and personal lives. I know that my status as a transgender woman is being discussed in the workplace and I feel that I now have to be more cautious in the workplace. This is very upsetting to me.

ELIZABETH U CUKOR

NOTARY PUBLIC STATE OF NEW YORK

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

NO 02C06284879  
QUALIFIED IN KINGS COUNTY

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

11/12/14  
Date

*Jennifer Blair*  
Charging Party Signature

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII or the ADA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.